

71-11-1. Title.

This chapter shall be known as the "Utah Veterans' Nursing Home Act."

Amended by Chapter 134, 2000 General Session

71-11-2. Definitions.

As used in this chapter:

(1) "Administrator" means a Veterans' Nursing Home Administrator selected in accordance with Section 71-11-5.

(2) "Board" means any Veterans' Nursing Home Advisory Board.

(3) "Department" means the Department of Veterans' and Military Affairs created in Section 71-8-2.

(4) "Executive director" means the executive director of the Department of Veterans' and Military Affairs.

(5) "Home" means any Utah Veterans' Nursing Home.

(6) "Veteran" is as defined in Subsection 71-10-1(4).

Amended by Chapter 214, 2013 General Session

71-11-3. Establishment and construction -- Compliance with federal requirements.

(1) The department shall administer veterans' nursing homes established by the Legislature.

(2) Each home shall:

(a) have at least an 80-bed capacity;

(b) be designed and constructed consistent with the requirements for federal funding under 38 U.S.C. Sec. 8131 et seq.; and

(c) be operated consistent with the requirements for per diem payments from the United States Department of Veterans Affairs under 38 U.S.C. Sec. 1741 et seq.

Amended by Chapter 173, 2007 General Session

71-11-4. Administration by department.

The department shall supervise and operate each veterans' nursing home.

Amended by Chapter 173, 2007 General Session

71-11-5. Operation of homes -- Rulemaking authority -- Selection of administrator.

(1) The department shall, subject to the approval of the executive director:

(a) establish appropriate criteria for the admission and discharge of residents for each home, subject to the requirements in Section 71-11-6 and criteria set by the U.S. Department of Veterans' Affairs;

(b) establish a schedule of charges for each home in cases where residents have available resources;

(c) establish standards for the operation of the homes not inconsistent with

standards set by the United States Department of Veterans Affairs;

(d) make rules to implement this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(e) ensure that the homes are licensed in accordance with Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

(2) The department shall, after reviewing recommendations of the board, appoint an administrator for each home.

Amended by Chapter 382, 2008 General Session

71-11-6. Eligibility -- Admission requirements.

(1) Application for admission shall be made separately to each nursing home administrator.

(2) Veterans and their spouses or surviving spouses who are residents of Utah and in need of nursing home care may be admitted to any home.

(3) Preference shall be given to veterans who are without adequate means of support and unable, due to wounds, disease, old age, or infirmity, to properly maintain themselves.

Amended by Chapter 7, 2005 Special Session 1

71-11-7. Veterans' Nursing Home Advisory Boards.

(1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a liaison between the residents, members of the public, and the administration of the home.

(b) The board shall interview candidates for the position of nursing home administrator and make a recommendation to the department.

(2) Each board shall consist of the following seven members:

(a) one resident of the home appointed by the governor;

(b) two members of the Veterans' Advisory Council, designated by the governor, one of which shall specifically be designated as the board's representative to the council;

(c) one veteran from the area in which the home is located appointed by the governor;

(d) one representative from the VA Health Care System, appointed by its director;

(e) one representative from the Department of Health, appointed by its executive director; and

(f) one representative from the United States Department of Veterans Affairs regional office.

(3) (a) (i) Members shall serve for four-year terms.

(ii) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new or reappointed member to a four-year term beginning on July 1.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that

approximately half of the board is appointed every two years.

(c) The governor shall make final appointments to the board by June 30 of any year in which appointments are to be made under this chapter.

(4) Vacancies shall be filled by the governor within 60 days of receiving notice of a vacancy, but only for the unexpired term of the vacated member.

(5) (a) Except as provided in Subsection (5)(b), members may not serve more than two consecutive terms.

(b) Members appointed by the VA Health Care System and the United States Department of Veterans Affairs are exempt from the term limit requirement.

(6) Each board shall elect a chair annually from among its members at its first meeting after July 1.

(7) Each board shall meet at least quarterly.

(8) Four members of the board constitute a quorum for the transaction of business.

(9) Each board shall provide copies of all minutes and an annual report of its activities by June 30 of each year to the executive director of the Department of Veterans' and Military Affairs, and the Veterans' Advisory Council.

(10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 214, 2013 General Session

71-11-8. Utah Veterans' Nursing Home Fund.

(1) There is created an expendable special revenue fund entitled the "Utah Veterans' Nursing Home Fund" to be administered by the department for the benefit of each home and its residents.

(2) All cash donations, gifts, or bequests shall be deposited in the fund and used according to the wishes of the donor.

(3) All funds received by the homes from federal or state agencies, individual insurance reimbursement, or cash payments shall be deposited in the fund.

(4) Funds received that are designated for a specific home shall be accounted for separately within the fund.

Amended by Chapter 400, 2013 General Session

71-11-9. Disposition of deceased resident's property.

(1) (a) All money or other personal property of a resident held by a home that is left on the premises of the home shall, upon the death of the resident, be held in trust to be paid or delivered to the spouse, children, grandchildren, or parent of the resident upon the presentation of proof of relationship.

(b) Any funds of a deceased resident may be disbursed for the payment of funeral expenses or any obligation owed to the home.

(2) Property owned by a deceased resident of the home who dies without heirs or next-of-kin not disposed of by will shall become the property of the home and deposited in the fund, subject to the right of any heir to reclaim the property within five years after the resident's death upon the presentation of proof of relationship.

Amended by Chapter 7, 2005 Special Session 1

71-11-10. Hobby promotion -- Sales of articles manufactured by residents -- Proceeds to residents.

(1) Each home shall promote hobbies designed to improve the general welfare and mental condition of the residents.

(2) The home may provide limited funds to initiate a hobby program, but shall limit the program to those hobbies that, in its judgment, will be self sustaining.

(3) The department may enter into contracts with federal or state agencies or private concerns for the receipt of articles manufactured by residents of the homes.

(4) Proceeds generated by hobbies shall be used to pay for materials. Any excess proceeds shall be paid to the individual veterans who produced the articles.

Amended by Chapter 173, 2007 General Session